

CHAPTER 277

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 19-219

BY SENATOR(S) Pettersen, Bridges, Garcia, Tate, Todd, Williams A., Winter;
also REPRESENTATIVE(S) Gonzales-Gutierrez, Buckner, Exum, Galindo, Jaquez Lewis, McLachlan, Mullica, Snyder, Valdez D.

AN ACT

CONCERNING THE CONTINUATION OF THE "COLORADO LICENSING OF CONTROLLED SUBSTANCES ACT", AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (17)(a)(XI); and **add** (27)(a)(XI) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (17) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2019:

~~(XI) The record-keeping and licensing functions of the department of human services relating to substance use disorder treatment programs under which controlled substances are compounded, administered, or dispensed in accordance with part 2 of article 80 of title 27;~~

(27) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2026:

(XI) THE RECORD-KEEPING, LICENSING, AND CENTRAL REGISTRY FUNCTIONS OF THE DEPARTMENT OF HUMAN SERVICES RELATING TO SUBSTANCE USE DISORDER TREATMENT PROGRAMS UNDER WHICH CONTROLLED SUBSTANCES ARE COMPOUNDED, ADMINISTERED, OR DISPENSED IN ACCORDANCE WITH PART 2 OF ARTICLE 80 OF TITLE 27;

SECTION 2. In Colorado Revised Statutes, 27-80-203, **amend** (3), (6)(a)(II),

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

and (23.5); **repeal** (23); and **add** (16.5) as follows:

27-80-203. Definitions. As used in this part 2, unless the context otherwise requires:

(3) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient. ~~or research subject.~~

(6) (a) "Compound" means to prepare, mix, assemble, package, or label a drug or device:

(II) For the purpose of, or as an incident to, ~~research~~; teaching or chemical analysis and not for sale or dispensing.

(16.5) "OPIOID TREATMENT PROGRAM" MEANS A TREATMENT PROGRAM LICENSED PURSUANT TO THIS PART 2 AND CERTIFIED AS AN OPIOID TREATMENT PROGRAM BY THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION PURSUANT TO THE RULES OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION, TO PROVIDE MEDICATION-ASSISTED TREATMENT FOR PEOPLE DIAGNOSED WITH AN OPIOID-USE DISORDER.

(23) ~~"Researcher" means any person licensed by the department pursuant to this part 2 to experiment with, study, or test any controlled substance within this state and includes analytical laboratories.~~

(23.5) "Substance use disorder treatment program" means a program licensed pursuant to this part 2 for the detoxification, withdrawal, or maintenance treatment of a person with a substance use disorder. "SUBSTANCE USE DISORDER TREATMENT PROGRAM" INCLUDES AN OPIOID TREATMENT PROGRAM.

SECTION 3. In Colorado Revised Statutes, 27-80-204, **amend** (1)(b)(I) and (2); and **repeal** (5) as follows:

27-80-204. License required - controlled substances - repeal. (1) (b) (I) This subsection (1) is repealed, effective ~~September 1, 2019~~ SEPTEMBER 1, 2026.

(2) Persons licensed as required under this part 2, or otherwise licensed as required by federal law, may possess, distribute, dispense, ~~OR administer or conduct or do research with~~ controlled substances only to the extent authorized by their licenses and in conformity with the provisions of this part 2 and with article 18 of title 18. ~~C.R.S.~~

(5) ~~The department shall not issue a license under this part 2 to a researcher of marijuana or marijuana concentrate.~~

SECTION 4. In Colorado Revised Statutes, 27-80-205, **amend** (1) introductory portion; and **repeal** (3)(a) as follows:

27-80-205. Issuance of license - fees. (1) The department, as provided in section

27-80-204 (1), shall issue the appropriate license to each ~~researcher and~~ substance use disorder treatment program meeting all the requirements of this part 2 unless it determines that the issuance of the license would be inconsistent with the public interest. In determining the public interest, the department shall consider the following factors:

(3) (a) ~~The initial and annual license fees are as follows:~~

~~(f) Repealed.~~

~~(H) Researchers \$ 25.00~~

SECTION 5. In Colorado Revised Statutes, 27-80-207, **repeal** (2) as follows:

27-80-207. Qualifications for license. (2) ~~Any person registered as a researcher by the federal government is presumed to possess the qualifications described in this section as long as his or her federal registration is valid.~~

SECTION 6. In Colorado Revised Statutes, 27-80-208, **amend** (1) introductory portion and (1)(c); and **add** (5) as follows:

27-80-208. Denial, revocation, or suspension of license - other disciplinary actions - notice - repeal. (1) The department may deny, suspend, or revoke a license issued under this part 2 pursuant to article 4 of title 24, ~~C.R.S.~~, or take other disciplinary action as set forth in subsection (2.5) of this section, at the department's discretion, upon a finding that the licensee:

(c) ~~Has had his or her federal registration to manufacture, conduct research on, distribute, or dispense a controlled substance suspended or revoked; or~~

(5) (a) ON OR BEFORE JULY 1, 2020, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A FORMAL, SIMPLE, ACCURATE, AND OBJECTIVE SYSTEM TO TRACK AND CATEGORIZE COMPLAINTS MADE AGAINST A LICENSEE AND DISCIPLINARY ACTION TAKEN PURSUANT TO THIS PART 2.

(b) (I) THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, OF THE DATE ON WHICH THE DEPARTMENT HAS IMPLEMENTED THE SYSTEM DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

(II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 7. In Colorado Revised Statutes, 27-80-211, **amend** (2)(b) as follows:

27-80-211. Enforcement and cooperation. (2) The department shall cooperate with all agencies charged with the enforcement of the laws of this state, all other states, and the United States relating to controlled substances. To this end, the department shall:

(b) Cooperate with the bureau and with local, state, and other federal agencies by

maintaining a centralized unit to accept, catalogue, file, and collect statistics, including records of dependent and other controlled substance law offenders within the state, and make the information available for federal, state, and local law enforcement or regulatory purposes. The department shall not furnish the name or identity of a patient ~~or research subject~~ whose identity could not be obtained under section 27-80-212.

SECTION 8. In Colorado Revised Statutes, 27-80-213, **amend** (2); and **add** (3) as follows:

27-80-213. Rules - policies. (2) The department shall promulgate rules, in accordance with article 4 of title 24, ~~for research programs~~ and for the conduct of detoxification treatment, maintenance treatment, and withdrawal treatment programs for substance use disorders related to controlled substances.

(3) THE DEPARTMENT SHALL DEVELOP A POLICY THAT SEPARATES THE ADMINISTRATION OF THIS PART 2 FROM THE ADMINISTRATION OF ARTICLE 81 OF THIS TITLE 27. THE POLICY MUST ENSURE THAT THE DEPARTMENT'S PERFORMANCE OF ITS DUTIES PURSUANT TO THIS PART 2 DOES NOT INTERFERE WITH THE PERFORMANCE OF ITS DUTIES AS REQUIRED BY ARTICLE 81 OF THIS TITLE 27.

SECTION 9. In Colorado Revised Statutes, **add** 27-80-215 as follows:

27-80-215. Central registry - registration required - notice - repeal. (1)(a) ON OR BEFORE JULY 1, 2020, THE DEPARTMENT SHALL DEVELOP OR PROCURE A SECURE ONLINE CENTRAL REGISTRY, REFERRED TO IN THIS SECTION AS THE "REGISTRY", TO REGISTER PATIENTS TREATED IN A SUBSTANCE USE DISORDER TREATMENT PROGRAM.

(b) THE DEPARTMENT SHALL OPERATE AND MAINTAIN THE REGISTRY OR ENTER INTO AN AGREEMENT WITH A THIRD PARTY TO OPERATE AND MAINTAIN THE REGISTRY ON ITS BEHALF.

(c) EACH OPIOID TREATMENT PROGRAM SHALL REGISTER AND MAINTAIN AN ACCOUNT WITH THE REGISTRY.

(d) (I) THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, OF THE DATE ON WHICH THE DEPARTMENT HAS IMPLEMENTED THE REGISTRY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

(II) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE JULY 1, 2021.

(2) (a) (I) IN ORDER TO PREVENT SIMULTANEOUS ENROLLMENT OF A PATIENT IN MORE THAN ONE OPIOID TREATMENT PROGRAM, EACH OPIOID TREATMENT PROGRAM SHALL FULLY PARTICIPATE IN THE REGISTRY, INCLUDING SUBMITTING A QUERY TO THE REGISTRY FOR EACH PATIENT AND ENTERING IN PATIENT INFORMATION AS REQUIRED BY THIS PART 2 AND DEPARTMENT RULE.

(II) FOR EACH PATIENT, THE ENTRY INTO THE REGISTRY MUST INCLUDE THE

PATIENT'S NAME, THE OPIOID TREATMENT PROGRAM PROVIDING TREATMENT TO THE PATIENT, AND ANY INFORMATION THE DEPARTMENT DEEMS NECESSARY TO FURTHER THE GOALS OF THIS PART 2.

(III) ANY PERSON SEEKING TREATMENT FROM AN OPIOID TREATMENT PROGRAM MUST PROVIDE THE PROGRAM WITH ANY INFORMATION REQUIRED BY THIS SECTION AND AUTHORIZE THE PROGRAM TO QUERY THE REGISTRY. A PROGRAM MAY NOT QUERY OR ENTER ANY INFORMATION INTO THE REGISTRY WITHOUT AUTHORIZATION FROM THE PATIENT.

(b) THE DEPARTMENT SHALL ESTABLISH THE METHOD FOR OPIOID TREATMENT PROGRAMS TO ENTER INFORMATION INTO THE REGISTRY AND QUERY THE REGISTRY FOR INFORMATION CONCERNING PROSPECTIVE PATIENTS.

(3) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

(b) PRIOR TO THE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE REGISTRATION FUNCTIONS OF THE DEPARTMENT AS PROVIDED IN SECTION 24-34-104.

SECTION 10. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 23, 2019